



General Assembly

January Session, 2003

Raised Bill No. 6641

LCO No. 4163

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
CONNECTICUT TRANSPORTATION STRATEGY BOARD FOR LAND
USE AND ECONOMIC DEVELOPMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-27 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The secretary, after consultation with all appropriate state,
4 regional and local agencies and other appropriate persons shall prior
5 to March 1, 2003, complete a revision of the existing plan and enlarge it
6 to include, but not be limited to, policies relating to transportation,
7 energy and air. Any revision made after May 15, 1991, shall identify
8 the major transportation proposals, including proposals for mass
9 transit, contained in the master transportation plan prepared pursuant
10 to section 13b-15. Any revision made after July 1, 1995, shall take into
11 consideration the conservation and development of greenways that
12 have been designated by municipalities and shall recommend that
13 state agencies coordinate their efforts to support the development of a
14 state-wide greenways system. The Commissioner of Environmental
15 Protection shall identify state-owned land for inclusion in the plan as

16 potential components of a state greenways system. Any revision made
17 after the effective date of this section shall take into account (1)
18 economic and community development needs and patterns of
19 commerce, and (2) linkages of affordable housing objectives and land
20 use planning with transportation systems.

21 (b) Thereafter on or before March first in each revision year the
22 secretary shall complete a revision of the plan of conservation and
23 development.

24 Sec. 2. Section 16a-28 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) The secretary shall present a draft of the revised plan of
27 conservation and development for preliminary review to the
28 continuing legislative committee on state planning and development
29 prior to September first in [2002] 2004 and prior to September first in
30 each prerevision year thereafter.

31 (b) After December first in 1985 and after December first in each
32 prerevision year thereafter the secretary shall proceed with such
33 further revisions of the draft of the revised plan of conservation and
34 development as he deems appropriate. The secretary shall, by
35 whatever means he deems advisable, publish said plan and
36 disseminate it to the public on or before March first in revision years.

37 (c) Within five months of publication of said revised plan the
38 secretary shall hold public hearings, in cooperation with regional
39 planning agencies, to solicit comments on said plan.

40 Sec. 3. Section 16a-33 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective from passage*):

42 The secretary may [promulgate such] adopt regulations, in
43 accordance with the provisions of chapter 54, as are necessary to carry
44 out the purposes of this chapter. The secretary shall adopt regulations
45 to provide for periodic and expeditious amendment to the state plan of

46 conservation and development where there are unanticipated types or
47 locations of development, upon determination by the secretary that an
48 amendment is appropriate or necessary.

49 Sec. 4. Section 16a-31 of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective from passage*):

51 (a) On and after approval of the General Assembly of the state plan
52 of conservation and development in the 2005 adoption year, all plans
53 required by state or federal law and prepared by state departments,
54 agencies or institutions shall be consistent with the state plan of
55 conservation and development. A draft of any such plan shall be
56 submitted to the secretary for his review. The secretary shall provide to
57 the preparer of the plan a report commenting on the extent to which
58 the proposed plan conforms to the state plan of conservation and
59 development. The state department, agency or institution shall revise
60 the plan accordingly.

61 ~~[(a)]~~ (b) The following actions when undertaken by any state
62 agency, with state or federal funds, shall be consistent with the plan:

63 (1) The acquisition of real property when the acquisition costs are in
64 excess of one hundred thousand dollars;

65 (2) The development or improvement of real property when the
66 development costs are in excess of one hundred thousand dollars;

67 (3) The acquisition of public transportation equipment or facilities
68 when the acquisition costs are in excess of one hundred thousand
69 dollars; and

70 (4) The authorization of each state grant, any application for which
71 is not pending on July 1, 1991, for an amount in excess of one hundred
72 thousand dollars, for the acquisition or development or improvement
73 of real property or for the acquisition of public transportation
74 equipment or facilities.

75 [(b)] (c) A state agency shall request, and the secretary shall provide,
76 an advisory statement commenting on the extent to which any of the
77 actions specified in subsection [(a)] (b) of this section conforms to the
78 plan and any agency may request and the secretary shall provide such
79 other advisory reports as the state agency deems advisable.

80 [(c)] (d) The secretary shall submit and the State Bond Commission
81 shall consider prior to the allocation of any bond funds for any of the
82 actions specified in subsection [(a)] (b) of this section an advisory
83 statement commenting on the extent to which such action is in
84 conformity with the plan of conservation and development.

85 [(d)] (e) Notwithstanding subsection [(b)] (c) of this section, The
86 University of Connecticut shall request, and the secretary shall
87 provide, an advisory statement commenting on the extent the projects
88 included in the third phase of UConn 2000, as defined in subdivision
89 (25) of section 10a-109c, conform to the plan and the university may
90 request and the secretary shall provide such other advisory reports as
91 the university deems advisable. Notwithstanding subsection [(c)] (b) of
92 this section, the secretary shall submit and the State Bond Commission
93 shall consider prior to the approval of the master resolution or
94 indenture for securities for the third phase of UConn 2000, pursuant to
95 subsection (c) of section 10a-109g, the advisory statement prepared
96 under this subsection.

97 [(e) Whenever a state agency is required by state or federal law to
98 prepare a plan, it shall consider the state plan of conservation and
99 development in the preparation of such plan. A draft of such plan shall
100 be submitted to the secretary who shall provide for the preparer of the
101 plan an advisory report commenting on the extent to which the
102 proposed plan conforms to the state plan of conservation and
103 development.]

104 Sec. 5. (NEW) (*Effective from passage*) The Secretary of the Office of
105 Policy and Management shall develop a set of recommendations for
106 growth management goals and specific land use development policies

107 to be enacted by state law. Such goals and policies should be sufficient
108 to be used as a prescriptive management tool but should not (1)
109 preclude site or project accommodation, or (2) be a basis for
110 challenging state actions under any provision of the general statutes.
111 The secretary shall submit a report to the joint standing committees of
112 the General Assembly having cognizance of matters relating to
113 planning and development and transportation of such
114 recommendations on or before January 1, 2005.

115 Sec. 6. Subsection (a) of section 8-2 of the general statutes is repealed
116 and the following is substituted in lieu thereof (*Effective from passage*):

117 (a) The zoning commission of each city, town or borough is
118 authorized to regulate, within the limits of such municipality, the
119 height, number of stories and size of buildings and other structures;
120 the percentage of the area of the lot that may be occupied; the size of
121 yards, courts and other open spaces; the density of population and the
122 location and use of buildings, structures and land for trade, industry,
123 residence or other purposes, including water-dependent uses as
124 defined in section 22a-93, and the height, size and location of
125 advertising signs and billboards. Such bulk regulations may allow for
126 cluster development as defined in section 8-18. Such zoning
127 commission may divide the municipality into districts of such number,
128 shape and area as may be best suited to carry out the purposes of this
129 chapter; and, within such districts, it may regulate the erection,
130 construction, reconstruction, alteration or use of buildings or
131 structures and the use of land. All such regulations shall be uniform
132 for each class or kind of buildings, structures or use of land throughout
133 each district, but the regulations in one district may differ from those
134 in another district, and may provide that certain classes or kinds of
135 buildings, structures or uses of land are permitted only after obtaining
136 a special permit or special exception from a zoning commission,
137 planning commission, combined planning and zoning commission or
138 zoning board of appeals, whichever commission or board the
139 regulations may, notwithstanding any special act to the contrary,

140 designate, subject to standards set forth in the regulations and to
141 conditions necessary to protect the public health, safety, convenience
142 and property values. Such regulations shall be made in accordance
143 with a comprehensive plan and in adopting such regulations the
144 commission shall consider the plan of conservation and development
145 prepared under section 8-23, as amended by this act, except that not
146 more than one year after the municipal plan of development is revised
147 pursuant to section 8-23, as amended by this act, the regulations shall
148 be made to be consistent with the municipal plan of conservation and
149 development. Such regulations shall be designed to lessen congestion
150 in the streets; to secure safety from fire, panic, flood and other dangers;
151 to promote health and the general welfare; to provide adequate light
152 and air; to prevent the overcrowding of land; to avoid undue
153 concentration of population and to facilitate the adequate provision for
154 transportation, water, sewerage, schools, parks and other public
155 requirements. Such regulations shall be made with reasonable
156 consideration as to the character of the district and its peculiar
157 suitability for particular uses and with a view to conserving the value
158 of buildings and encouraging the most appropriate use of land
159 throughout such municipality. Such regulations may, to the extent
160 consistent with soil types, terrain, infrastructure capacity and the plan
161 of conservation and development for the community, provide for
162 cluster development, as defined in section 8-18, in residential zones.
163 Such regulations shall also encourage the development of housing
164 opportunities, including opportunities for multifamily dwellings,
165 consistent with soil types, terrain and infrastructure capacity, for all
166 residents of the municipality and the planning region in which the
167 municipality is located, as designated by the Secretary of the Office of
168 Policy and Management under section 16a-4a. Such regulations shall
169 also promote housing choice and economic diversity in housing,
170 including housing for both low and moderate income households, and
171 shall encourage the development of housing which will meet the
172 housing needs identified in the housing plan prepared pursuant to
173 section 8-37t and in the housing component and the other components

174 of the state plan of conservation and development prepared pursuant
175 to section 16a-26. Zoning regulations shall be made with reasonable
176 consideration for their impact on agriculture. Zoning regulations may
177 be made with reasonable consideration for the protection of historic
178 factors and shall be made with reasonable consideration for the
179 protection of existing and potential public surface and ground
180 drinking water supplies. On and after July 1, 1985, the regulations shall
181 provide that proper provision be made for soil erosion and sediment
182 control pursuant to section 22a-329. Such regulations may also
183 encourage energy-efficient patterns of development, the use of solar
184 and other renewable forms of energy, and energy conservation. The
185 regulations may also provide for incentives for developers who use
186 passive solar energy techniques, as defined in subsection (b) of section
187 8-25, as amended by this act, in planning a residential subdivision
188 development. The incentives may include, but not be limited to, cluster
189 development, higher density development and performance standards
190 for roads, sidewalks and underground facilities in the subdivision.
191 Such regulations may provide for a municipal system for the creation
192 of development rights and the permanent transfer of such
193 development rights, which may include a system for the variance of
194 density limits in connection with any such transfer. Such regulations
195 may also provide for notice requirements in addition to those required
196 by this chapter. Such regulations may provide for conditions on
197 operations to collect spring water or well water, as defined in section
198 21a-150, including the time, place and manner of such operations. No
199 such regulations shall prohibit the operation of any family day care
200 home or group day care home in a residential zone. Such regulations
201 shall not impose conditions and requirements on manufactured homes
202 having as their narrowest dimension twenty-two feet or more and
203 built in accordance with federal manufactured home construction and
204 safety standards or on lots containing such manufactured homes
205 which are substantially different from conditions and requirements
206 imposed on single-family dwellings and lots containing single-family
207 dwellings. Such regulations shall not impose conditions and

208 requirements on developments to be occupied by manufactured homes
209 having as their narrowest dimension twenty-two feet or more and
210 built in accordance with federal manufactured home construction and
211 safety standards which are substantially different from conditions and
212 requirements imposed on multifamily dwellings, lots containing
213 multifamily dwellings, cluster developments or planned unit
214 developments. Such regulations shall not prohibit the continuance of
215 any nonconforming use, building or structure existing at the time of
216 the adoption of such regulations. Such regulations shall not provide
217 for the termination of any nonconforming use solely as a result of
218 nonuse for a specified period of time without regard to the intent of
219 the property owner to maintain that use. Any city, town or borough
220 which adopts the provisions of this chapter may, by vote of its
221 legislative body, exempt municipal property from the regulations
222 prescribed by the zoning commission of such city, town or borough;
223 but unless it is so voted municipal property shall be subject to such
224 regulations.

225 Sec. 7. Section 8-3a of the general statutes is repealed and the
226 following is substituted in lieu thereof (*Effective from passage*):

227 [(a) In any municipality which has a combined planning and zoning
228 commission operating under the general statutes or any special act, the
229 commission shall state on the record its findings on consistency of a
230 proposed zoning regulation or boundaries or changes thereof with the
231 plan of development of the municipality.]

232 (a) On and after approval of the General Assembly of the state plan
233 of conservation and development in the 2005 adoption year, the
234 commission shall note on the record its findings on inconsistency of
235 any proposed zoning regulation or boundaries or changes thereof with
236 said state plan.

237 (b) In any municipality which has a separate zoning commission
238 operating under the provisions of this chapter or any special act and
239 which also has a planning commission operating under the general

240 statutes or any special act, proposed zoning regulations or boundaries
 241 or changes thereof shall be referred to such planning commission for a
 242 report at least thirty-five days prior to the date assigned for a public
 243 hearing to be held thereon. On and after approval of the General
 244 Assembly of the state plan of conservation and development in the
 245 2005 adoption year, the commission shall note on the record its
 246 findings on inconsistency of any proposed zoning regulation or
 247 boundaries or changes thereof with said state plan. The report shall
 248 contain [the findings of the planning commission on consistency of a
 249 proposed regulation or boundaries or changes thereof with the plan of
 250 development of the municipality, and] any [other] recommendations
 251 the planning commission deems relevant. The failure of the planning
 252 commission to report prior to or at the hearing shall be taken as
 253 approval of such proposals. The report concerning consistency with
 254 the plan of development and a statement of the vote of the planning
 255 commission approving, disapproving or proposing a modification of
 256 such proposal shall be publicly read at any public hearing held
 257 thereon. The full report of the planning commission regarding such
 258 proposal shall include the reasons for the commission's vote thereon
 259 and shall be incorporated into the records of any public hearing held
 260 thereon by the zoning commission. A proposal disapproved by the
 261 planning commission may be adopted by the zoning commission by a
 262 vote of not less than two-thirds of all the members of the zoning
 263 commission.

264 Sec. 8. Section 8-23 of the general statutes is repealed and the
 265 following is substituted in lieu thereof (*Effective from passage*):

266 (a) (1) At least once every ten years, the commission shall prepare or
 267 amend and shall adopt a plan of conservation and development for the
 268 municipality. Following adoption, the commission shall regularly
 269 review and maintain such plan. The commission may adopt such
 270 geographical, functional or other amendments to the plan or parts of
 271 the plan, in accordance with the provisions of this section, as it deems
 272 necessary. The commission may, at any time, prepare, amend and

273 adopt plans for the redevelopment and improvement of districts or
274 neighborhoods which, in its judgment, contain special problems or
275 opportunities or show a trend toward lower land values.

276 (2) If a plan is not amended decennially, the chief elected official of
277 the municipality shall submit a letter to the Secretary of the Office of
278 Policy and Management and the Commissioners of Transportation,
279 Environmental Protection and Economic and Community
280 Development that explains why such plan was not amended. Until the
281 plan is amended in accordance with this subsection, a copy of such
282 letter shall be included in each application by the municipality for
283 funding for the conservation or development of real property
284 submitted to said secretary or commissioners.

285 (b) In the preparation of such plan, the commission may appoint
286 one or more special committees to develop and make
287 recommendations for the plan. The membership of any special
288 committee may include: Residents of the municipality and
289 representatives of local boards dealing with zoning, inland wetlands,
290 conservation, recreation, education, public works, finance,
291 redevelopment, general government and other municipal functions. In
292 performing its duties under this section, the commission or any special
293 committee may accept information from any source or solicit input
294 from any organization or individual. The commission or any special
295 committee may hold public informational meetings or organize other
296 activities to inform residents about the process of preparing the plan.

297 (c) In preparing such plan, the commission or any special committee
298 shall consider the following: (1) The community development action
299 plan of the municipality, if any, (2) the need for affordable housing, (3)
300 the need for protection of existing and potential public surface and
301 ground drinking water supplies, (4) the use of cluster development
302 and other development patterns to the extent consistent with soil
303 types, terrain and infrastructure capacity within the municipality, (5)
304 the state plan of conservation and development adopted pursuant to

305 chapter 297, (6) the regional plan of development adopted pursuant to
306 section 8-35a, as amended by this act, (7) physical, social, economic
307 and governmental conditions and trends, (8) the needs of the
308 municipality including, but not limited to, human resources,
309 education, health, housing, recreation, social services, public utilities,
310 public protection, transportation and circulation and cultural and
311 interpersonal communications, and (9) the objectives of energy-
312 efficient patterns of development, the use of solar and other renewable
313 forms of energy and energy conservation. In any revision made after
314 the plan is updated in accordance with this section, the commission
315 shall note on the record any inconsistency with the state plan of
316 conservation and development.

317 (d) (1) Such plan of conservation and development shall (A) be a
318 statement of policies, goals and standards for the physical and
319 economic development of the municipality and strategic actions
320 recommended in the plan shall address the goals of the plan in a
321 manner that reduces the need to emphasize the growth of the grand
322 list in the municipality as a critical objective of land use decisions, (B)
323 be designed to promote, with the greatest efficiency and economy, the
324 coordinated development of the municipality and the general welfare
325 and prosperity of its people, (C) recommend the most desirable use of
326 land within the municipality for residential, recreational, commercial,
327 industrial, conservation and other purposes, (D) recommend the most
328 desirable density of population in the several parts of the municipality,
329 (E) note any inconsistencies it may have with the state plan of
330 conservation and development adopted pursuant to chapter 297, (F)
331 make provision for the development of housing opportunities,
332 including opportunities for multifamily dwellings, consistent with soil
333 types, terrain and infrastructure capacity, for all residents of the
334 municipality and the planning region in which the municipality is
335 located, as designated by the Secretary of the Office of Policy and
336 Management under section 16a-4a, (G) promote housing choice and
337 economic diversity in housing, including housing for both low and
338 moderate income households, and encourage the development of

339 housing which will meet the housing needs identified in the housing
340 plan prepared pursuant to section 8-37t and in the housing component
341 and the other components of the state plan of conservation and
342 development prepared pursuant to chapter 297.

343 (2) For any municipality that is contiguous to Long Island Sound,
344 such plan shall be (A) consistent with the municipal coastal program
345 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
346 reasonable consideration for restoration and protection of the
347 ecosystem and habitat of Long Island Sound, and (C) designed to
348 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
349 Long Island Sound.

350 (e) Such plan may show the commission's and any special
351 committee's recommendation for (1) conservation and preservation of
352 traprock and other ridgelines, (2) a system of principal thoroughfares,
353 parkways, bridges, streets and other public ways, (3) airports, parks,
354 playgrounds and other public grounds, (4) the general location,
355 relocation and improvement of public buildings, (5) the general
356 location and extent of public utilities and terminals, whether publicly
357 or privately owned, for water, sewerage, light, power, transit and other
358 purposes, (6) the extent and location of public housing projects, (7)
359 programs for the implementation of the plan, including (A) a schedule,
360 (B) a budget for public capital projects, (C) a program for enactment
361 and enforcement of zoning and subdivision controls, building and
362 housing codes and safety regulations, (D) plans for implementation of
363 affordable housing, and (E) plans for open space acquisition and
364 greenways protection and development, and (8) any other
365 recommendations as will, in the commission's or any special
366 committee's judgment, be beneficial to the municipality. The plan may
367 include any necessary and related maps, explanatory material,
368 photographs, charts or other pertinent data and information relative to
369 the past, present and future trends of the municipality.

370 (f) A plan of conservation and development or any part thereof or

371 amendment thereto prepared by the commission or any special
372 committee shall be reviewed, and may be amended, by the
373 commission prior to scheduling at least one public hearing on
374 adoption. At least sixty-five days prior to the public hearing on
375 adoption, the commission shall submit a copy of such plan or part
376 thereof or amendment thereto for review and comment to the
377 legislative body. Such body may hold one or more hearings on the
378 proposed plan and shall submit any comments to the commission
379 prior to the public hearing on adoption. The failure of such body to
380 report prior to or at the public hearing shall be taken as approval of the
381 plan. At least sixty-five days prior to the public hearing on adoption,
382 the commission shall submit a copy of such plan to the regional
383 planning agency for review and comment. The regional planning
384 agency shall report its comments to the commission at or before the
385 hearing. The failure of the regional planning agency to report at or
386 before the hearing shall be taken as approval of the plan. The report of
387 the regional planning agency shall be advisory. Prior to the public
388 hearing on adoption, the commission shall file in the office of the town
389 clerk a copy of such plan or part thereof or amendment thereto but, in
390 the case of a district commission, such commission shall file such
391 information in the offices of both the district clerk and the town clerk.
392 The commission shall cause to be published in a newspaper having a
393 general circulation in the municipality, at least twice at intervals of not
394 less than two days, the first not more than fifteen days, nor less than
395 ten days, and the last not less than two days prior to the date of each
396 such hearing, notice of the time and place of any such public hearing.
397 Such notice shall make reference to the filing of such plan in the office
398 of the town clerk, or both the district clerk and the town clerk, as the
399 case may be.

400 (g) The commission may adopt the plan or any part thereof or
401 amendment thereto by a single resolution or may, by successive
402 resolutions, adopt parts of the plan and amendments thereto. Any
403 plan, section of a plan or recommendation in the plan, not endorsed by
404 the legislative body of the municipality may be adopted by the

405 commission by a vote of not less than two-thirds of all the members of
406 the commission. Upon adoption by the commission, any plan or part
407 thereof or amendment thereto shall become effective at a time
408 established by the commission, provided notice thereof shall be
409 published in a newspaper having a general circulation in the
410 municipality prior to such effective date. Any plan or part thereof or
411 amendment thereto shall be filed in the office of the town clerk, except
412 that, if it is a district plan or amendment, it shall be filed in the offices
413 of both the district and town clerk.

414 (h) Following adoption of a new plan by the commission, the
415 legislative body of any municipality may hold one or more hearings on
416 the proposed plan and, by resolution, may endorse the plan for the
417 municipality.

418 Sec. 9. Section 8-25 of the general statutes is repealed and the
419 following is substituted in lieu thereof (*Effective from passage*):

420 (a) No subdivision of land shall be made until a plan for such
421 subdivision has been approved by the commission. Any person, firm
422 or corporation making any subdivision of land without the approval of
423 the commission shall be fined not more than five hundred dollars for
424 each lot sold or offered for sale or so subdivided. Any plan for
425 subdivision shall, upon approval, or when taken as approved by
426 reason of the failure of the commission to act, be filed or recorded by
427 the applicant in the office of the town clerk within ninety days of the
428 expiration of the appeal period under section 8-8, or in the case of an
429 appeal, within ninety days of the termination of such appeal by
430 dismissal, withdrawal or judgment in favor of the applicant but, if it is
431 a plan for subdivision wholly or partially within a district, it shall be
432 filed in the offices of both the district clerk and the town clerk, and any
433 plan not so filed or recorded within the prescribed time shall become
434 null and void, except that the commission may extend the time for
435 such filing for two additional periods of ninety days and the plan shall
436 remain valid until the expiration of such extended time. All such plans

437 shall be delivered to the applicant for filing or recording not more than
438 thirty days after the time for taking an appeal from the action of the
439 commission has elapsed or not more than thirty days after the date
440 that plans modified in accordance with the commission's approval and
441 that comply with section 7-31 are delivered to the commission,
442 whichever is later, and in the event of an appeal, not more than thirty
443 days after the termination of such appeal by dismissal, withdrawal or
444 judgment in favor of the applicant or not more than thirty days after
445 the date that plans modified in accordance with the commission's
446 approval and that comply with section 7-31 are delivered to the
447 commission, whichever is later. No such plan shall be recorded or filed
448 by the town clerk or district clerk or other officer authorized to record
449 or file plans until its approval has been endorsed thereon by the
450 chairman or secretary of the commission, and the filing or recording of
451 a subdivision plan without such approval shall be void. Before
452 exercising the powers granted in this section, the commission shall
453 adopt regulations covering the subdivision of land. No such
454 regulations shall become effective until after a public hearing, notice of
455 the time, place and purpose of which shall be given by publication in a
456 newspaper of general circulation in the municipality at least twice, at
457 intervals of not less than two days, the first not more than fifteen days
458 nor less than ten days, and the last not less than two days prior to the
459 date of such hearing. Such regulations shall provide that the land to be
460 subdivided shall be of such character that it can be used for building
461 purposes without danger to health or the public safety, that proper
462 provision shall be made for water, sewerage and drainage, including
463 the upgrading of any downstream ditch, culvert or other drainage
464 structure which, through the introduction of additional drainage due
465 to such subdivision, becomes undersized and creates the potential for
466 flooding on a state highway, and, in areas contiguous to brooks, rivers
467 or other bodies of water subject to flooding, including tidal flooding,
468 that proper provision shall be made for protective flood control
469 measures and that the proposed streets are in harmony with existing
470 or proposed principal thoroughfares shown in the plan of conservation

471 and development as described in section 8-23, especially in regard to
472 safe intersections with such thoroughfares, and so arranged and of
473 such width, as to provide an adequate and convenient system for
474 present and prospective traffic needs. Such regulations shall also
475 provide that the commission may require the provision of open spaces,
476 parks and playgrounds when, and in places, deemed proper by the
477 planning commission, which open spaces, parks and playgrounds
478 shall be shown on the subdivision plan. Such regulations may, with
479 the approval of the commission, authorize the applicant to pay a fee to
480 the municipality or pay a fee to the municipality and transfer land to
481 the municipality in lieu of any requirement to provide open spaces.
482 Such payment or combination of payment and the fair market value of
483 land transferred shall be equal to not more than ten per cent of the fair
484 market value of the land to be subdivided prior to the approval of the
485 subdivision. The fair market value shall be determined by an appraiser
486 jointly selected by the commission and the applicant. A fraction of
487 such payment the numerator of which is one and the denominator of
488 which is the number of approved parcels in the subdivision shall be
489 made at the time of the sale of each approved parcel of land in the
490 subdivision and placed in a fund in accordance with the provisions of
491 section 8-25b. The open space requirements of this section shall not
492 apply if the transfer of all land in a subdivision of less than five parcels
493 is to a parent, child, brother, sister, grandparent, grandchild, aunt,
494 uncle or first cousin for no consideration, or if the subdivision is to
495 contain affordable housing, as defined in section 8-39a, equal to twenty
496 per cent or more of the total housing to be constructed in such
497 subdivision. Such regulations, on and after July 1, 1985, shall provide
498 that proper provision be made for soil erosion and sediment control
499 pursuant to section 22a-329. Such regulations shall not impose
500 conditions and requirements on manufactured homes having as their
501 narrowest dimension twenty-two feet or more and built in accordance
502 with federal manufactured home construction and safety standards or
503 on lots containing such manufactured homes which are substantially
504 different from conditions and requirements imposed on single-family

505 dwellings and lots containing single-family dwellings. Such
506 regulations shall not impose conditions and requirements on
507 developments to be occupied by manufactured homes having as their
508 narrowest dimension twenty-two feet or more and built in accordance
509 with federal manufactured home construction and safety standards
510 which are substantially different from conditions and requirements
511 imposed on multifamily dwellings, lots containing multifamily
512 dwellings, cluster developments or planned unit developments. The
513 commission may also prescribe the extent to which and the manner in
514 which streets shall be graded and improved and public utilities and
515 services provided and, in lieu of the completion of such work and
516 installations previous to the final approval of a plan, the commission
517 may accept a bond in an amount and with surety and conditions
518 satisfactory to it securing to the municipality the actual construction,
519 maintenance and installation of such improvements and utilities
520 within a period specified in the bond. Such regulations may provide,
521 in lieu of the completion of the work and installations above referred
522 to, previous to the final approval of a plan, for an assessment or other
523 method whereby the municipality is put in an assured position to do
524 such work and make such installations at the expense of the owners of
525 the property within the subdivision. Such regulations may provide
526 that in lieu of either the completion of the work or the furnishing of a
527 bond as provided in this section, the commission may authorize the
528 filing of a plan with a conditional approval endorsed thereon. Such
529 approval shall be conditioned on (1) the actual construction,
530 maintenance and installation of any improvements or utilities
531 prescribed by the commission, or (2) the provision of a bond as
532 provided in this section. Upon the occurrence of either of such events,
533 the commission shall cause a final approval to be endorsed thereon in
534 the manner provided by this section. Any such conditional approval
535 shall lapse five years from the date it is granted, provided the
536 applicant may apply for and the commission may, in its discretion,
537 grant a renewal of such conditional approval for an additional period
538 of five years at the end of any five-year period, except that the

539 commission may, by regulation, provide for a shorter period of
540 conditional approval or renewal of such approval. Any person, firm or
541 corporation who, prior to such final approval, sells or offers for sale
542 any lot subdivided pursuant to a conditional approval shall be fined
543 not more than five hundred dollars for each lot sold or offered for sale.

544 (b) The regulations adopted under subsection (a) of this section shall
545 also encourage energy-efficient patterns of development and land use,
546 the use of solar and other renewable forms of energy, and energy
547 conservation. The regulations shall require any person submitting a
548 plan for a subdivision to the commission under subsection (a) of this
549 section to demonstrate to the commission that such person has
550 considered, in developing the plan, using passive solar energy
551 techniques which would not significantly increase the cost of the
552 housing to the buyer, after tax credits, subsidies and exemptions. As
553 used in this subsection and section 8-2, passive solar energy techniques
554 mean site design techniques which maximize solar heat gain, minimize
555 heat loss and provide thermal storage within a building during the
556 heating season and minimize heat gain and provide for natural
557 ventilation during the cooling season. The site design techniques shall
558 include, but not be limited to: (1) House orientation; (2) street and lot
559 layout; (3) vegetation; (4) natural and man-made topographical
560 features; and (5) protection of solar access within the development.

561 (c) The regulations adopted under subsection (a) of this section,
562 may, to the extent consistent with soil types, terrain, infrastructure
563 capacity and the plan of development for the community, provide for
564 cluster development, and may provide for incentives for cluster
565 development such as density bonuses, or may require cluster
566 development.

567 (d) Not more than one year after the municipal plan of conservation
568 and development is revised pursuant to section 8-23, as amended by
569 this act, the regulations shall be reviewed, and revised, if needed, to be
570 consistent with the municipal plan of conservation and development.

571 The commission shall state on the record its findings on inconsistency
572 of any proposed subdivision thereof with the state plan of
573 conservation and development.

574 Sec. 10. Section 8-35a of the general statutes is repealed and the
575 following is substituted in lieu thereof (*Effective from passage*):

576 (a) Each regional planning agency shall make a plan of development
577 for its area of operation, showing its recommendations for the general
578 use of the area including land use, housing, principal highways and
579 freeways, bridges, airports, parks, playgrounds, recreational areas,
580 schools, public institutions, public utilities and such other matters as,
581 in the opinion of the agency, will be beneficial to the area. Any
582 regional plan so developed shall be based on studies of physical,
583 social, economic and governmental conditions and trends and shall be
584 designed to promote with the greatest efficiency and economy the
585 coordinated development of its area of operation and the general
586 welfare and prosperity of its people. Any revision made after the
587 effective date of this section shall take into account (1) economic and
588 community development needs and patterns of commerce, and (2)
589 linkages of affordable housing objectives and land use planning with
590 transportation systems. Such plan may encourage energy-efficient
591 patterns of development, the use of solar and other renewable forms of
592 energy, and energy conservation. Such plan shall be designed to
593 promote abatement of the pollution of the waters and air of the region.
594 The plan of each region contiguous to Long Island Sound shall be
595 designed to reduce hypoxia, pathogens, toxic contaminants and
596 floatable debris in Long Island Sound. Before adopting the regional
597 plan of development or any part thereof or amendment thereto the
598 agency shall hold at least one public hearing thereon, notice of the
599 time, place and subject of which shall be given in writing to the chief
600 executive officer and planning commission, where one exists, of each
601 member town, city or borough, and to the Secretary of the Office of
602 Policy and Management, or his designee. Notice of the time, place and
603 subject of such hearing shall be published once in a newspaper having

604 a substantial circulation in the region. Such notices shall be given not
605 more than twenty days nor less than ten days before such hearing.
606 Adoption of the plan or part thereof or amendment thereto shall be
607 made by the affirmative vote of not less than a majority of the
608 representatives on the agency. A copy of the plan or of any
609 amendments thereto, signed by the chairman of the agency, shall be
610 transmitted to the chief executive officers, the town, city or borough
611 clerks, as the case may be, and to planning commissions, if any, in
612 member towns, cities or boroughs, and to the Secretary of the Office of
613 Policy and Management, or his designee. The regional planning
614 agency shall assist municipalities within its region and state agencies
615 and may assist other public and private agencies in developing and
616 carrying out any regional plan or plans of such regional planning
617 agency. The regional planning agency may provide administrative,
618 management, technical or planning assistance to municipalities within
619 its region and other public agencies under such terms as it may
620 determine, provided, prior to entering into an agreement for assistance
621 to any municipality or other public agency, the regional planning
622 agency shall have adopted a policy governing such assistance. The
623 regional planning agency may be compensated by the municipality or
624 other public agency with which an agreement for assistance has been
625 made for all or part of the cost of such assistance.

626 (b) The regional planning agency shall update the plan of
627 development not more than one year after approval of the General
628 Assembly of the state plan of conservation and development in the
629 2005 adoption year. Thereafter, the commission shall note on the
630 record its findings on inconsistency of a proposed revision thereof
631 with said state plan.

632 Sec. 11. (NEW) (*Effective October 1, 2003*) (a) The Commissioner of
633 Economic and Community Development shall establish a program to
634 expedite the review and approval of projects on preselected sites. The
635 program shall include provisions for: (1) Identification and
636 preselection of sites by municipalities for expedited review and

637 approval; (2) lists of local and state permits required for development;
638 (3) an inventory of sites specifying characteristics and preferred uses;
639 (4) a process for marketing the sites to preferred users to be
640 implemented by the Department of Economic and Community
641 Development and municipalities; and (5) designation of local and state
642 teams to facilitate regulatory approval and resolve potential disputes.

643 (b) In developing the program established in subsection (a) of this
644 section, the Commissioner of Economic and Community Development
645 shall consult with the Commissioners of Environmental Protection,
646 Transportation, Public Health and Revenue Services, the Labor
647 Commissioner and regional planning agencies and municipalities.

648 (c) On or before January 1, 2004, and annually thereafter, the
649 Commissioner of Economic and Community Development shall
650 submit a report on the program, in accordance with section 11-4a of
651 the general statutes, to the joint standing committee of the General
652 Assembly having cognizance of matters relating to planning and
653 development.

654 Sec. 12. (*Effective from passage*) The Chief Court Administrator, in
655 consultation with the Commissioners of Transportation, Economic and
656 Community Development and Environmental Protection,
657 municipalities, regional planning agencies and developers and the
658 public, shall conduct a study on the feasibility of a docket separate
659 from other civil matters for the hearing of matters related to land use.
660 The Chief Court Administrator shall submit a report on the study,
661 including recommendations for policies and procedures to implement
662 the docket and recommendations for the development of a program of
663 land use education for judicial staff, to the joint standing committees of
664 the General Assembly having cognizance of matters relating to
665 planning and development and the judiciary on or before January 1,
666 2004, in accordance with section 11-4a of the general statutes.

667 Sec. 13. (NEW) (*Effective from passage*) (a) There is established a
668 Geographic Information Systems Council consisting of the following

669 members or their designees: (1) The Secretary of the Office of Policy
670 and Management; (2) the Commissioner of Environmental Protection;
671 (3) the Commissioner Economic and Community Development; (4)
672 two members appointed by the president pro tempore of the Senate,
673 one representing a municipality with a population of more than sixty
674 thousand and one representing a regional planning agency; (5) two
675 members appointed by the Governor, one representing a municipality
676 with a population of less than sixty thousand but more than thirty
677 thousand and one who is a user of geographic information systems;
678 and (6) two members appointed by the speaker of the House of
679 Representatives, one representing a municipality with a population of
680 less than thirty thousand and one who is a user of geographic
681 information systems. The Secretary of the Office of Policy and
682 Management, or a designee, shall serve as chairperson of the council.
683 The Governor shall fill any vacancy by appointment for the unexpired
684 portion of the term vacated. Members shall receive no compensation
685 for their services on said council, but shall be reimbursed for necessary
686 expenses incurred in the performance of their duties. Said council shall
687 hold one meeting each month and such additional meetings as may be
688 prescribed by council rules. In addition, special meetings may be called
689 by the chairperson or by any three members upon delivery of forty-
690 eight hours' written notice to each member.

691 (b) The council shall coordinate a uniform geographic information
692 system capacity for the state and municipalities which shall include
693 provisions for application, policy and standards for government
694 information system implementation. In establishing such capacity, the
695 council shall consult with state agencies, municipalities and other users
696 of geographic information system technology.

697 (c) The council shall administer a program of technical assistance to
698 regional planning agencies and municipalities to develop geographic
699 information systems.

700 (d) On or before January 1, 2004, and annually thereafter, the

701 council shall submit a report on activities under this section to the joint
702 standing committee of the General Assembly having cognizance of
703 matters relating to planning and development.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>

Statement of Purpose:

To implement the land use and economic development recommendations of the January 2003 report of the Transportation Strategy Board, thereby providing a comprehensive, coordinated planning approach to state transportation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]